



Federal Communications Commission
Washington, D.C. 20554

November 20, 2017

Hearst Stations Inc.
PO Box 1800
Raleigh, NC 27602

Re: Request for Waiver of Deadline to
Implement Shared Channel Operations
WNNE, Hartford, VT
Facility ID No. 73344
LMS File No. 0000035420

Dear Licensee,

On November 15, 2017, Hearst Stations, Inc (Hearst), submitted the above-captioned request for waiver for television station WNNE, Hartford, Vermont (Station) of the January 23, 2018, deadline for incentive auction winning channel sharing stations to implement shared channel operations and discontinue operations on their pre-auction channels (channel sharing implementation deadline).¹ For the reasons set forth below, we grant the request for waiver and extend the channel sharing implementation deadline to April 23, 2018.

Background. The Commission instructed that channel sharing stations² must implement shared channel operations, and a sharee station must discontinue operations on its pre-auction channel by January 23, 2018.³ A channel sharee may request an additional 90 days to discontinue operations on its pre-auction channel and commence shared operations by requesting a waiver pursuant to Section 1.3 of the Commission's rules.⁴

¹ See *Incentive Auction Closing and Channel Reassignment Public Notice: The Broadcast Television Incentive Auction Closes; Reverse Auction and Forward Auction Results Announced; Final Television Band Channel Assignments Announced; Post-Auction Deadlines Announced*, Public Notice, 32 FCC Rcd 2786, 2813, para. 76 (MB & WTB 2017) (*Closing and Channel Reassignment Public Notice*); see also *Incentive Auction Task Force and Media Bureau Announce Procedures for the Post-Incentive Auction Broadcast Transition*, Public Notice, 32 FCC Rcd 858, 879, para. 63 (IATF & MB 2017) (*Broadcast Transition Procedures Public Notice*); 47 CFR §§ 73.3700(b)(3), 73.3700(b)(4)(ii).

² Absent any contrary information from the station, any station that indicated it had a pre-auction channel sharing agreement (CSA) and/or an intent to channel share on its reverse auction FCC Form 177 is considered a channel sharee station until the station fails to meet or requests a waiver of the channel sharing application filing deadline.

³ See *Closing and Channel Reassignment Public Notice*, 32 FCC Rcd at 2813, para. 76; *Broadcast Transition Procedures Public Notice*, 32 FCC Rcd at 879, para. 63; 47 CFR §§ 73.3700(b)(3), 73.3700(b)(4)(ii). As noted previously, some of the post incentive auction transition-related deadlines set forth in the Commission's rules are referred to in months. For the sake of clarity and to provide greater ease of calculation, the Media Bureau refers to such deadlines in days. For example, a "6-month" deadline is referred to as a "180-day" deadline. See *Broadcast Transition Procedures Public Notice*, 32 FCC Rcd at 860 n.18.

⁴ See *Closing and Channel Reassignment Public Notice*, 32 FCC Rcd at 2814, para. 81; *Broadcast Transition Procedures Public Notice*, 32 FCC Rcd at 881, para. 69. Channel sharee stations may request an additional 90 days (for a total of 180 additional days) using the same procedure. *Id.*

A waiver is appropriate where the particular facts would make strict compliance inconsistent with the public interest and deviation from the general rule would relieve hardship, promote equity, or produce a more effective implementation of overall policy on an individual basis.⁵ All such requests for waiver of the deadline to commence shared operations will be evaluated to determine whether grant will delay or disrupt the post-auction transition schedule.⁶

In support of its waiver request, Hearst notes that Station was a winning relinquishment bidder in the reverse auction and will be channel sharing with commonly-owned WPTZ, Plattsburgh, New York. In order to share with WPTZ and continue to meet the Commission's principal community signal requirements, Hearst is seeking to change Station's community of license to Montpelier, Vermont. Hearst states that this change will result in loss of service to some of Station's viewers. Hearst explains that loss of service has been a concern for certain of Vermont's Congressional delegation. To prolong, for as long as possible, Station's service to Hartford, Vermont and to its existing viewers while it completes the transition to its shared operation, Hearst requests a 90-day waiver of the channel sharing implementation deadline.

Hearst maintains that grant of the waiver will not adversely impact the post-incentive auction transition as television stations in the Burlington-Plattsburgh DMA have all been assigned to transition Phase 7 or later and do not start their testing until October 19, 2019, and do not have to complete their transition until January 17, 2020. Hearst notes that both dates are well beyond its requested implementation deadline. Additionally, Hearst argues that grant of the waiver will not delay or disrupt wireless providers commencing service in the 600 MHz band because Station's current channel designation is 25 which is not part of the new 600 MHz band.

Discussion. Upon review of the facts and circumstances presented, we find Hearst's request to extend the channel sharing implementation deadline until April 23, 2018, satisfies the requirements for a waiver. In this case, we find that it would be inconsistent with the public interest to require Hearst to implement its shared channel operations by the January 23, 2018 deadline. Hearst has demonstrated that the public interest will be served by allowing it to continue to operate Station on its pre-auction channel, avoiding a loss of service to viewers, while it completes the implementation of its shared operations. Further, given that the testing period start date for transition phase 1 is not set to begin until September 14, 2018,⁷ we find that waiver of the channel sharing implementation deadline will not adversely impact the post-incentive auction transition schedule.

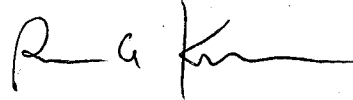
⁵ See *Northeast Cellular Telephone Co. v. FCC*, 897 F.2d 1164, 1166 (D.C. Cir. 1990) and *WAIT Radio v. FCC*, 418 F.2d 1153, 1159 (D.C. Cir. 1969), *cert. denied*, 409 U.S. 1072 (1972); 47 CFR § 1.3 (waiver for good cause shown).

⁶ *Id.*

⁷ See *Closing and Channel Reassignment Public Notice*, 32 FCC Rcd at 2806, para. 64.

The above facts considered, Hearst Stations, Inc.'s request for waiver of the January 23, 2018 deadline to implement shared channel operations for WNNE, Hartford, Vermont, and to discontinue operations on its pre-auction channel **IS GRANTED** and the January 23, 2018 deadline **IS EXTENDED** for 90 days until April 23, 2018.

Sincerely,

A handwritten signature in black ink, appearing to read 'Barbara A. Kreisman', with a stylized flourish at the end.

Barbara A. Kreisman
Chief, Video Division
Media Bureau

cc: Stephen Hartzell, Esq.